



THE CITY OF SAN DIEGO

STAFF REPORT

DATE ISSUED: May 4, 2021

TO: City Council

FROM: Parks and Recreation Department
Library Department

SUBJECT: Municipal Code Amendment for Proposed Park Curfew Implementation

Primary Contact: Christina Chadwick Phone: (619) 865-3622

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Council District(s): District 2

OVERVIEW:

This item is to authorize a nighttime curfew at Fanuel Street Park, Mission Bay Athletic Area (Bob McEvoy Fields) and Pacific Beach Library Park consistent with the San Diego Municipal Code (SDMC) §63.0120. All three sites are within the Pacific Beach boundary and the Coastal Zone, as that term is defined in Section 30103(a) of the California Coastal Act, Cal. Pub. Res. Code § 30000 – 30900.

PROPOSED ACTIONS:

1. Approve an ordinance amending SDMC §63.0120 to include Fanuel Street Park, Mission Bay Athletic Area (Bob McEvoy Fields) and Pacific Beach Library Park on the City of San Diego's list of parks with a nighttime curfew.

DISCUSSION OF ITEM:

Pacific Beach residents approached Parks and Recreation staff regarding concerns of illegal activity occurring at Fanuel Street Park, Mission Bay Athletic Area (Bob McEvoy Fields) and Pacific Beach Library Park during nighttime hours. Illegal activity includes gang activity, drug dealing, vandalism and other questionable activities, resulting in residents and park patrons not feeling safe while visiting these parks. Crime mapping statistics show a significant level of illegal activity in areas surrounding these public areas.

The nighttime curfew would make it unlawful for any person to be on the grounds of Fanuel Street Park and Pacific Beach Library Park from 10:00 p.m. to 5:00 a.m. It would make it unlawful for any person to be on the grounds of Mission Bay Athletic Area (Bob McEvoy Fields) from 11:00 p.m. to 6:00 a.m. A curfew would provide a means for the San Diego Police Department to remove patrons from these park areas in the late hours to minimize illegal use.

Currently, curfews apply to the following parks: Children's Park, Gaslamp Square Park, Pantoja Park, Children's Museum Park, Fault Line Park, Cortez Hill Park, Spruce Street Pedestrian Bridge, University

Heights Open Space Park, North Park Mini Park and the City Heights Square Mini Park. Only parks listed in SDMC §63.0120 are subject to a nighttime curfew. Park property that is not specifically designated in the Municipal Code is not subjected to a nighttime curfew.

This proposal has received broad community support. The Pacific Beach Town Council, Pacific Beach Women's Club, Beach Scene HOA, Santa Clara/Pacific Beach Community Recreation Group, Mission Bay Park Committee, Board of Library Commissioners and the Park and Recreation Board have taken action to memorialize their support for nighttime curfews at these three parks.

The General Development Plan, which outlines uses for these parks, is provided. Please see attached Park & Recreation Board Reports dated January 16, 2020 #102 and February 20, 2020 #101 for additional information regarding the two Parks and Recreation facilities. Meeting minutes from the Board of Library Commissioners dated October 2, 2019 is also provided.

The application of a nighttime curfew is governed by the SDMC in Chapter 6: §63.0120 Public Works and Property, Public Improvement and Assessment Proceedings.

City Strategic Plan Goal(s)/Objective(s):

Goal #2: Work in partnership with all our communities to achieve safe and livable neighborhoods.

Objective #1: Protect lives, property and the environment through timely and effective response.

Objective #2: Reduce and prevent crime.

Fiscal Considerations: None

Charter Section 225 Disclosure of Business Interests:

N/A; there is no contract associated with this action.

Environmental Impact:

This activity is not subject to CEQA pursuant to State CEQA Guidelines Section 15060(c)(2), as it would not result in any direct or indirect physical change in the environment.

Equal Opportunity Contracting Information (if applicable): N/A

Previous Council and/or Committee Actions:

Following unanimous recommendation for approval by the Public Safety and Livable Neighborhood Committee on March 10, 2021 and unanimous approval of the first reading of the ordinance by the City Council on April 6, 2021, revised guidance by the City Attorney's Office required staff to pull the second reading of the item from the April 20, 2021 Council agenda to consider whether to seek approval from the California Coastal Commission for the curfews at these parks.

Subsequently, it has been determined this item should be certified by the California Coastal Commission, therefore the ordinance does not take effect until the California Coastal Commission unconditionally certifies the provisions amending the San Diego Municipal Code as a local coastal program amendment, or until the thirtieth day from and after its final passage, whichever occurs later. As such, the ordinance has been revised to reflect this requirement and will be reintroduced for City Council approval.

Key Stakeholders and Community Outreach Efforts:

Members of the Santa Clara/Pacific Beach Community Recreation Group

Members of the Pacific Beach Town Council

Members of Pacific Beach Woman's Club

Residents of Bay Scene HOA

Members of the Mission Bay Park Committee

Members of the Community Park I Area Committee

Members of the Board of Library Commissioners

April 3, 2019 -- The Pacific Beach Town Council voted to approve a nighttime curfew from 11:00 p.m. to 6:00 a.m. at Mission Bay Athletic Area (Bob McEvoy Fields) and a nighttime curfew from 10:00 p.m. to 5:00 a.m. at Fanuel Street Park.

June 12, 2019 -- The Bay Scene HOA supported the Fanuel Street Park curfew.

July 16, 2019 -- The Pacific Beach Woman's Club supported a nighttime curfew from 10:00 p.m. to 5:00 a.m. at Fanuel Street Park via letter.

October 15, 2019 -- The Santa Clara/Pacific Beach Community Recreation Group supported a nighttime curfew from 11:00 p.m. to 6:00 a.m. at Mission Bay Athletic Area (Bob McEvoy Fields)

December 3, 2019 -- The City of San Diego Mission Bay Park Committee supported a nighttime curfew from 10:00 p.m. to 5:00 a.m.

September 4, 2019 -- The Board of Library Commissioners supported a nighttime curfew at Pacific Beach Library Park from 10:00 p.m. to 5:00 a.m.

January 16, 2020 -- The Park and Recreation Board approved the nighttime curfew from 10:00 p.m. to 5:00 a.m. at Fanuel Street Park.

February 4, 2020 -- The Mission Bay Park Committee supported a nighttime curfew from 11:00 p.m. to 6:00 a.m. at Mission Bay Athletic Area (Bob McAvoy Fields)

February 5, 2020 -- the Community Parks I Area Committee supported a nighttime curfew from 11:00 p.m. to 6:00 a.m. at Mission Bay Athletic Area (Bob McAvoy Fields)

February 20, 2020 -- The City of San Diego Park and Recreation Board approved the nighttime curfew from 11:00 p.m. to 6:00 a.m. at Mission Bay Athletic Area (Bob McAvoy Fields)

March 10, 2021 -- The City of San Diego Public Safety and Livable Neighborhood Committee unanimously approved.

April 6, 2021 -- The City of San Diego City Council unanimously approved.

Andrew Field

Director, Parks and Recreation

Kristina Peralta

Deputy Chief Operating Officer